Examination of a sample showed that the article consisted of approximately 10 percent alcohol, 5 percent nonvolatile matter, and 85 percent water. The nonvolatile matter included phosphates and glycerophosphates of sodium, potassium, and iron; material derived from nux vomica, including strychnine, caffeine, sugar, glycerin, and caramel. Each 100 milliliters of the article contained approximately 3 milligrams of iron, 60 milligrams of caffeine, and 2 milligrams of strychnine.

The article was alleged to be misbranded in that certain statements on its label and in an accompanying circular entitled "Ceregen" were false and misleading since they represented and suggested that the article would be efficacious in toning the system, supplying deficiencies of iron, phosphorus, and other salts, and in treating physical exhaustion and nervous hyposthenia; and that all ingredients of the article were of the standard of purity and strength established by the United States Pharmacopoeia. The article was not effective to fulfill the promises of benefit stated and implied, and some of the ingredients, including the glycerophosphates of sodium, potassium, and iron, are not recognized by the United States Pharmacopoeia.

The article was alleged to be misbranded further (1) in that the statement on its labels, "A preparation containing phosphates and glycerophosphates of sodium, potassium and iron in a balanced proportion," was misleading since the phosphates and glycerophosphates of sodium, potassium, and iron in the preparation were of no therapeutic significance; (2) in that its container was so made, formed, and filled as to be misleading, since the carton was materially taller than was necessary for the size of the bottle contained therein; and (3) in that the common or usual name of each active ingredient, required by law to appear on the label, was not prominently placed thereon with such conspicuousness (as compared with other words, statements, designs, and devices in the labeling) as to render it likely to be read and understood by the ordinary individual under customary conditions of purchase and use, since fluidextract of nux vomica, the only therapeutically significant active ingredient contained in the article, was not named upon the bottle label, and upon the carton it was mentioned in a long list of other nonactive ingredients so as not to inform the purchaser that it was the sole therapeutically important active ingredient of the preparation.

On July 17, 1944, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

1439. Misbranding of Lock's 9.12 Formula. U. S. v. 168 Packages of Lock's 9.12 Formula. Default decree of condemnation. Product ordered delivered to the National Zoological Park, for use as animal feed. (F. D. C. No. 13361. Sample No. 79299–F.)

On August 17, 1944, the United States attorney for the District of Columbia filed a libel against 168 packages of Lock's 9.12 Formula at Washington, D. C., alleging that the article had been shipped on or about August 2, 1944, by Lock's Laboratories, New York, N. Y.

Examination of a sample showed that the article consisted of approximately 63 percent of wheat germ with smaller proportions of other ingredients, including seaweed, gum karaya, and yeast.

The article was alleged to be misbranded in that certain statements in an accompanying leaflet entitled "Eat For Health" were false and misleading since they represented and suggested that use of the article would assure health to the user; that the article would supply 9 vitamins and 12 minerals for which the need in human nutrition has been demonstrated and which are not supplied, to the extent that they are needed, in the ordinary diet; that the vitamins A, B, C, D, E, G (or B_2), B_6, niacin, and calcium pantothenate would promote appetite and growth, digestion and assimilation of food, normal nerve health, and normal adrenal function, and would help to protect the eyes, ears, nose, and throat against infection, protect the body from nerve diseases and against infections of the respiratory tract, stimulate metabolic processes, and insure healthy blood vessels, gums, teeth, and skin; that those vitamins would prevent low resistance of the mucous membranes to cold infection, lowered resistance to skin infections, stones in kidneys and bladder, poor vision, tear duct infections, corneal ulcers, rough, dry skin, nervousness, irritability, dyspepsia, retarded growth, brain disturbance, heart disturbance, dry, scaly skin, lack of muscular tone, weakness, loss of weight and vigor, weakened blood capillaries, general tendency to bleeding, decreased red blood cells, tender joints (pain and swelling), cataracts, sallow, pale complexion, anemia, spongy, swollen gums, tooth decay and defective teeth, low blood pressure, loss of appetite,

reduced adrenal secretion, peptic and duodenal ulcers, bone abscesses, lowered resistance to tuberculosis, bowlegs, sterility, digestive disturbances, dermatitis, pigmentation and thickening of the skin, soreness and inflammation of the tongue and mouth, diarrhea, colitis, nervous and mental disorders, secondary anemia, and dullness and loss of hair; and that the hair is nourished by sulfur, iodine, and silicon, the stomach by sulfur and vitamin B, the brain by manganese, phosphorus, and vitamins B and G, the gall bladder by sodium, the eyes by fluorine and vitamin A, the intestines by magnesium, the thyroid gland by iodine, the kidneys by magnesium, the teeth by calcium, silicon, and vitamin D, the adrenal gland by magnesium and vitamins A, B, C, and G, the throat by vitamin A, the blood stream by iron, oxygen, hydrogen, and vitamin A, the liver by chlorine, the muscles by potassium, and the heart by potassium and vitamins A and G. The use of the article would not assure health to the user; the article would not supply 9 vitamins and 12 minerals for which the need in human nutrition has been demonstrated and which are not supplied, to the extent that they are needed, in the ordinary diet; the vitamins A, B, C, D, E, G (or B_2), B_6, niacin, and calcium pantothenate would neither serve the purposes nor prevent the pathological conditions stated; and the parts of the body mentioned are not specifically nourished by the elements and vitamins enumerated.

The article was alleged to be further misbranded in that the label statements, "contain * * * Potassium, Sulphur, Sodium * * * Copper, Chlorine, Manganese, Zinc * * *," and "The minimum daily requirements of * * * Potassium, Sulphur, Sodium, * * * Copper, Chlorine, Zinc and Manganese have not yet been established for human nutrition," were misleading in the absence of a statement to the effect that those elements, to the extent that they may be needed in human nutrition, are supplied by the ordinary diet so that it is unnecessary to supplement the diet with preparations of them.

The article was also alleged to be misbranded under the provisions of the law applicable to foods, as reported in the notices of judgment on foods.

On October 25, 1944, no claimant having appeared, judgment of condemnation was entered and the product was ordered delivered to the National Zoological Park, for use as animal feed.

1440. Misbranding of Hall's Canker Remedy. U. S. v. 69 Bottles of Hall's Canker Remedy. Default decree of condemnation and destruction. (F. D. C. No. 13203. Sample No. 73739–F.)

On August 9, 1944, the United States attorney for the Southern District of California filed a libel against 69 3-ounce bottles of the above-named product at Los Angeles, Calif., alleging that the article had been shipped on or about April 27, 1944, from Salt Lake City, Utah, by the Hall's Canker Remedy.

Examination showed that the article consisted essentially of zinc sulfate, borax, sugars, and water.

The article was alleged to be misbranded in that the label statements, "Canker Remedy * * * aids in the treatment of Canker, Simple Sore Throat, and all minor mouth * * * Irritations * * * if the canker is not relieved, repeat dose as before. Most cases are usually remedied in nine doses," were false and misleading since the article would not be effective in the treatment of canker, simple sore throat, and all minor mouth irritations.

On August 31, 1944, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

1441. Misbranding of Q–T Alterative—Nervine. U. S. v. 4¾ Dozen Bottles and 2¾ Dozen Bottles of Q–T Alterative—Nervine. Default decree of destruction. (F. D. C. No. 13174. Sample Nos. 66942–F, 66943–F.)

On or about August 21, 1944, the United States attorney for the Western District of Missouri filed a libel against 4¾ dozen 2-fluid ounce bottles and 2¾ dozen 4-fluid ounce bottles of the above-named product at Kansas City, Mo., alleging that the article had been shipped on or about February 26, 1943, from Cleveland, Ohio, by the Allied Pharmacal Co.

Analyses showed that the article consisted essentially of ammonium chloride approximately 6 grains per fluid ounce, gold and sodium chloride, and water.

The article was alleged to be misbranded in that the label statement "Alterative—Nervine" was false and misleading since the article was not an alterative and would have no effect on the nerves; and (2-fluid ounce size only) in that the label statement, "Each fluid ounce contains: Ammonium Chloride U. S. P. XI . . . 60 grains," was false and misleading since the article contained less than 60 grains of ammonium chloride per fluid ounce.